

REMARKS

In view of the above amendments and following remarks, reconsideration and further examination are requested.

In the Office Action mailed May 19, 2004, claims 26-45 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 26-41, 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zeman in view of Hicks and Miller. Claims 26-41, 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmer in view of Zeman, Amberg and Miller. Claims 42 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zeman in view of Hicks, Miller and Shapiro et al. Claims 42 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmer in view of Zeman, Amberg, Miller and Shapiro et al. The proposed drawing corrections for Figures 4 and 7 have been disapproved for bringing new matter into the disclosure. And, the Examiner objected to the amendments made to paragraph [0026] of the substitute specification for introducing new matter into the disclosure.

In view of these positions taken by the Examiner, the following actions have been taken.

In response to the new matter rejection and objection, and in response to the prior art rejections, claims 26 and 42 have been amended while claims 27 - 29, 31, 40, 41, 44 and 45 have been canceled, and paragraphs [0023] and [0026] of the substitute specification have been amended so as to provide literal antecedent basis for the subject matter now recited in claim 26. The amendments to claim 26 and the amendments to paragraphs [0023] and [0026] of the substitute specification are clearly supported by Figure 4, and thus no new matter is added by these amendments.

In response to the objections to the drawings, the claims reciting subject matter corresponding to proposed Figure 7, i.e. claims 30, 34, 38 and 39, have been canceled, and the substitute specification has been amended to delete therefrom all references to Figure 7. With regard to the drawing objections pertaining to proposed Figure 4, Figure 4 has not been further amended since it is believed that this drawing objection has been addressed by the amendments made to paragraphs [0023] and [0026] as discussed above.

As stated above, claim 26 has been amended to address the new matter rejection and prior art rejections, and the amendments made to claim 26 are a direct result of a phone conversation had

with Examiner Merek on September 16, 2004. The courtesies extended by Examiner Merek during this interview are greatly appreciated.

Initially during this interview, proposed amendments to claim 26 were discussed. Specifically, Applicants' undersigned representative proposed to amend claim 26 so as to address the new matter rejection and prior art rejections issued by the Examiner. In this regard, proposed claim 26 no longer recited that the first portion is part of the flange, but rather recited that this portion is part of the container body. Also, proposed claim 26 no longer recited that the flange includes a portion extending in a "generally" radial direction of the container body, but rather recited that this portion extends in a --radial-- direction of the container body. With regard to these proposed amendments, Examiner Merek stated that no new matter is raised thereby.

Next during the interview, proposed claim 26 was discussed in view of the prior art relied upon by the Examiner. Specifically, Applicants' undersigned representative stated why it was believed that proposed claim 26 defined around the relied-upon references. In this regard, it was pointed out where Miller does not disclose a flange having a portion that extends in a "radial" direction, as now required by claim 26. Examiner Merek expressed that proposed claim 26 would not define around the rejections currently of record, because in Miller, as shown in Figure 6, is a portion 130 extending towards an axis of the container 112, and from this portion 130 there is segment that extends radially. Applicant's undersigned representative then expressed that this segment does not extend radially because this segment does not form an angle of 90 degrees with the longitudinal axis of the container 112. In response, Examiner Merek stated that the term "radial" can be interpreted to mean that this segment extends radially without forming an angle of 90 degrees with the longitudinal axis of the container 112.

Further during the interview, Examiner Merek suggested that a claim that would define around the current rejections of record would be a claim that recited the arrangement between the lid 3, the container body 2 and the first and second portions of the flange 20 as shown in Figure 4. Accordingly, claim 26 of this Amendment differs from proposed claim 26 discussed during the interview by also including the subject matter of claims 27, 40 and 41, along with additional language to clearly recite the arrangement between the lid, container and flange as shown in Figure 4 and

differentiate this claim from the arrangement of the lid 14, container 112 and flange as shown in Miller.

Specifically, as shown in Miller, the lid 14 does terminate at an outer peripheral edge, but this outer peripheral edge is not positioned radially inwardly of any portion of the flange. None of the other references relied upon by the Examiner resolve this deficiency of Miller, and accordingly, claim 26 is allowable over any possible combination of the references relied upon by the Examiner.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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